

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GAYLE NORTON,

Plaintiff,

v.

FRESNO CREDIT BUREAU d/b/a
CREDITORS BUREAU USA d/b/a
CBUSA,

Defendant.

Case No. 1:22-cv-00984-JLT-BAM

**ORDER DENYING STIPULATION AND
JOINT REQUEST TO EXTEND MUTUAL
DISCOVERY CUTOFF WITHOUT
PREJUDICE**

(Doc. 20)

On May 31, 2023, the parties filed a stipulation and joint request to modify the Scheduling Order and extend the non-expert and expert discovery deadlines, including expert disclosure deadlines, an additional sixty (60) days. The current non-expert discovery deadline is July 15, 2023, and the parties report that they have not yet “served written discovery upon on another. However, the parties have been engaged in good faith settlement discussions and informally exchanged information pursuant to those discussions.” (Doc. 20 at p. 1.) The parties now seek additional time to complete discovery, indicating that they are actively discussing settlement and “believe that this case may be able to settle with more time to conduct discovery, depositions, and the settlement conference.” (*Id.*)

Having considered the parties’ stipulation, the Court does not find good cause to grant the requested modification of the Scheduling Order issued on January 30, 2023. Fed. R. Civ. P.

1 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent.”).
2 Settlement discussions, in and of themselves, are not good cause to modify a scheduling order.
3 *See Gerawan Farming, Inc. v. Rehrig Pacific Co.*, 2013 WL 645741, at *5 (E.D. Cal. Feb. 21,
4 2013). The parties fail to explain why the non-expert and expert discovery deadlines cannot be
5 met and why discovery cannot be completed in the time allotted. *See Johnson v. Mammoth*
6 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (indicating district court may modify pretrial
7 schedule “if it cannot reasonably be met despite the diligence of the party seeking the
8 extension.”). Accordingly, the parties’ stipulation is DENIED without prejudice.

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10 IT IS SO ORDERED.

11 Dated: June 1, 2023

12 /s/ Barbara A. McAuliffe
13 UNITED STATES MAGISTRATE JUDGE
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